

STATE OF ILLINOIS

ILLINOIS STATE POLICE MERIT BOARD

IN THE MATTER OF:


TROOPER BRIAN J. HIMBER  
I.D. #5621  
[REDACTED]

DOCKET NO. 12-3

DECISION

This matter coming to be heard on the Motion To Dismiss submitted by Mr. Michael Arnold and Ms. Erin Gard. Mr. Michael Arnold and Ms. Erin Gard on behalf of Director Hiram Grau, Illinois State Police, Complainant. The Illinois State Police Merit Board has considered said Motion and is fully advised in the premises.

At the 1<sup>st</sup> Quarter Merit Board Meeting on January 18, 2013, The Board voted unanimously to approve this Motion which hereby dismisses this cause of action due to the resignation of Brian J. Himber from the Illinois State Police.

  
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John Rednour, Chairman

DATED: January 23, 2013

STATE OF ILLINOIS  
ILLINOIS STATE POLICE MERIT BOARD

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ILLINOIS STATE POLICE  
MERIT BOARD

IN THE MATTER OF:

TROOPER BRIAN J. HIMBER  
I.D. No. 5621



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Illinois State Police  
Merit Board No.

COMPLAINT

NOW COMES Hiram Grau, Director of the Illinois State Police, pursuant to 20 ILCS 2610/14 and 80 Ill. Admin. Code § 150.575, and states as follows:

COUNT I

VIOLATION OF STATE LAW – FIRST DEGREE MURDER

1. Brian J. Himber (Respondent) is employed as a State Police Officer by the Illinois State Police (Department). Respondent holds the rank of Trooper and at all times relevant to this Complaint was assigned to the Riverboat Gambling Unit. Respondent has been employed by the Department since August 1, 2004.
2. On or about July 22, 2012, while off-duty, Respondent attended a graduation party at a residence in the 10900 block of Nelson Street, Westchester, Illinois, with his girlfriend, Tracy Mays. While there, Respondent and Mays became involved in an argument, during which argument Respondent shot Mays multiple times with a personally owned handgun, killing her. Respondent then shot himself in the head and neck.

3. Respondent was transported to a local hospital with a gunshot wound and remains hospitalized. Mays was pronounced dead shortly after the shooting, and her death was ruled a homicide by the Cook County Medical Examiner's Office.
4. Respondent was relieved of duty with pay on or about July 22, 2012, and has remained on administrative leave with pay to date.
5. On or about July 22, 2012, Respondent was arrested by the Westchester Police Department for two (2) Counts of the offense of First Degree Murder, a Class M felony, in violation of 720 ILCS 5.0/9-1(a)(1) and (2), based upon the conduct described herein. Respondent's criminal charges remain pending.
6. Pursuant to the State Officials and Employees Ethics Act, 5 ILSC 430/5-60, Respondent's termination for his criminal conduct will result in Respondent's indebtedness to the State of Illinois for all compensation and the value of all benefits received by Respondent during his administrative leave, and Respondent must forthwith pay the full amount to the State of Illinois.
7. All or a portion of the facts set forth herein constitute Respondent's violation of Departmental Directive ROC-002, Rules of Conduct, Paragraph III.A.1., which states:

"Officers will uphold the Constitution of the United States and the state of Illinois, obey all federal, state, and local laws in which jurisdiction the officer is present, and comply with court decisions and orders of courts having jurisdiction."

**(First Offense – If Felony Offense, Level 7 Misconduct: Up to Termination).**

Respondent violated this rule in that on or about July 22, 2012, Respondent committed the offense of First Degree Murder in violation of 720 ILCS 5/9-1(a)(1), a Class M felony, when he killed Tracy Mays without lawful justification, in that he shot her with a handgun multiple



times, and in performing the acts which caused her death he either intended to kill or do great bodily harm to Tracy Mays, or knew that such acts would cause her death.

## COUNT II

### VIOLATION OF STATE LAW – FIRST DEGREE MURDER

- 1.- 6. Paragraphs 1. through 6., inclusive, of Count I of the Complaint are adopted and incorporated by reference as Paragraphs 1. through 6., inclusive, of Count II as if fully set out herein.
7. All or a portion of the facts set forth herein constitute Respondent's violation of Departmental Directive ROC-002, Rules of Conduct, Paragraph III.A.1., which states:

“Officers will uphold the Constitution of the United States and the state of Illinois, obey all federal, state, and local laws in which jurisdiction the officer is present, and comply with court decisions and orders of courts having jurisdiction.”

#### **(First Offense – If Felony Offense, Level 7 Misconduct: Up to Termination).**

Respondent violated this rule in that on or about July 22, 2012, Respondent committed the offense of First Degree Murder in violation of 720 ILCS 5/9-1(a)(2), a Class M felony, when he killed Tracy Mays without lawful justification, in that he shot her with a handgun multiple times, and in performing the acts which caused her death he knew that such acts created a strong probability of death or great bodily harm to Tracy Mays.

### COUNT III

#### VIOLATION OF STATE LAW – AGGRAVATED DOMESTIC BATTERY

- 1.-6. Paragraphs 1. through 6., inclusive, of Count I are adopted and incorporated by reference as Paragraphs 1. through 6., inclusive, of Count III as if fully set out herein.
7. All or a portion of the facts set forth herein constitute Respondent's violation of Department Directive ROC-002, Paragraph III.A.1., which states:

“Officers will uphold the Constitution of the United States and the state of Illinois, obey all federal, state and local laws in which jurisdiction is present, and comply with court decisions and orders of courts having jurisdiction.”

**(First Offense – If Felony Offense, Level 7 Misconduct: up to termination).**

Respondent violated this rule in that on or about July 22, 2012, Respondent committed the offense of Aggravated Domestic Battery, a Class 2 Felony, in violation of 720 ILCS 5/12-3.3(a), when Respondent knowingly and without legal justification caused great bodily harm to his girlfriend Tracy Mays, by shooting her with a handgun multiple times, thereby causing her death.

### COUNT IV

#### BRINGING THE DEPARTMENT INTO DISREPUTE

- 1-6. Paragraphs 1. through 6., inclusive, of Count I of the Complaint are adopted and incorporated by reference as Paragraphs 1. through 6., inclusive, of Count IV as if fully set out herein.
7. All or a portion of the facts set forth herein constitute Respondent's violation of Department Directive ROC-002, Rules of Conduct, Paragraph III.A.8, which states:



“Officers will maintain a level of conduct in their personal and business affairs that is in keeping with the highest standards of the law enforcement profession. Officers will not participate in any conduct that impairs their ability to perform as law enforcement officers or causes the Department to be brought into disrepute.”

**(First Offense – Level 2 Misconduct: 4 - 10 Days Suspension).**

Respondent violated this rule in that on or about July 22, 2012, while off-duty at a residence in the 10900 block of Nelson Street, Westchester, Illinois, Respondent became involved in an argument with his girlfriend Tracy Mays, during which argument Respondent shot Mays multiple times with a personally owned handgun, killing her; Respondent then shot himself in the head and neck in an apparent suicide attempt. Respondent was subsequently arrested by Westchester Police Department. Due to his violent actions, Respondent’s conduct and his status as an Illinois State Police Officer were the subject of numerous media articles. Respondent’s conduct was not in keeping with the highest standards of the law enforcement profession and caused the Department to be brought into disrepute.

**COUNT V**

**CONDUCT UNBECOMING AN OFFICER**

- 1.- 6. Paragraphs 1. through 6., inclusive, of Count I of the Complaint are adopted and incorporated by reference as Paragraphs 1. through 6., inclusive, of Count V as if fully set out herein.
7. All or a portion of the facts set forth herein constitute Respondent’s violation of Department Directive ROC-002, Paragraphs III.A.7., which states:

“Officers will conduct themselves on and off duty in such a manner as to reflect favorably on the Department. Officers will not engage in conduct which discredits the integrity of the Department or its employees, or which impairs the operations of The Department. Such actions will constitute conduct unbecoming an officer.”

**(First Offense – Level 1 Misconduct: Reprimand to 3 Days).**

Respondent violated this rule in that on or about July 22, 2012, while off-duty at a residence in the 10900 block of Nelson Street, Westchester, Illinois, Respondent became involved in an argument with his girlfriend Tracy Mays, during which argument Respondent shot Mays multiple times with a personally owned handgun, killing her; Respondent then shot himself in the head and neck in an apparent suicide attempt.

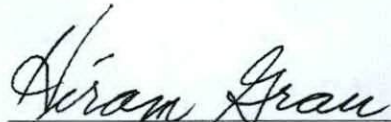
**CERTIFICATION**

A copy of Illinois State Police Department Directive ROC-002, Rules of Conduct, is provided in the incorporated attachment and is certified by the Director as accurate, complete, and in full force and effect at the time the aforementioned acts were committed.

**CONCLUSION**

**WHEREFORE**, by reason of these facts and charges, I request the Illinois State Police Merit Board conduct a hearing in this matter and terminate Respondent from employment with the Illinois State Police.

Respectfully submitted,

  
Hiram Grau, Director

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